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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,062	11/30/2000	Paul W. Dent	4015-721	2720
24112	7590	07/12/2006		
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			EXAMINER POLTORAK, PIOTR	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/727,062

Applicant(s)

DENT, PAUL W.

Examiner

Peter Poltorak

Art Unit

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112 first paragraph.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7-12, 14, 15, 17, 18 and 20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Jacques Louis Jacques
JACQUES LOUIS-JACQUES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because:
Applicant's arguments have been carefully considered but have not been found persuasive.

In particular applicant argues that no suggestion of storing authentication indicia in a memory for authenticating password entry screens, or displaying password entry screens containing the authentication indicia is present. As an argument applicant states that the user name is not authentication indicia for authenticating password entry screens to a user because the user name is not stored in memory.

The examiner respectfully disagrees. The information displayed on the computer screen (e.g. user name) in PCs running Windows NT are stored at least in RAM and non violate memory such as hard disk. Thus, the applicant's statement cited above is inaccurate.

As per the argument that the user name is not indicia because the user name authenticates the user to the computer and not the screen to the user, the examiner carefully examined applicant's specification in order to find the distinction between the invention AS CLAIMED and the art provided.

Specification, paragraph 5:

"The user obtains a confidential password and confidential authentication indicia, either of which may be determined by the user or assigned to the user".

Windows NT/user name:

A network user must have an assigned a user name and the password in order to log in into the system.

Specification, paragraph 5:

"A valid password entry screen displays the authentication indicia to indicate to the user that the password request is authentic. Absence of the authentication indicia indicates that the password entry screen is a spoof".

Windows NT/user name

As disclosed in the previous Office action the valid password entry screen in Windows NT displays the user name.

Assertion: the presence of the user name in Windows NT indicates to the user that "the password request is authentic" and that "absence of the authentication indicia indicates that the password entry screen is a spoof".

In order to discredit the above assertion the examiner searched for the meaning of the phrases: "the password request is authentic" and "absence of the authentication indicia indicates that the password entry screen is a spoof".

The only relevant information were located in paragraph 29, which recites as follows: "To prevent spoofing, the password entry screen 150 according to the present invention further includes authentication indicia, also referred to herein as reverse password 154, which is not known and which is not discoverable by a party intent on fraud".

However, the term "not discoverable" is not defined. It is not clear for example how one would ensure that a potential hacker who invokes the password screen would not be see the same indicia that the authorized user would (when invoking the password screen). As a result the distinction between the art of record and the claimed invention is not found.

The paragraph 29 further recites: "the absence of the reverse password 154 on the password entry screen 150 serves to alert the user that the displayed password entry screen 150 may not be authentic".

User name as presented in the previous Office Action is expected to be displayed on the password entry screen; thus, the absence of the user name would alert the user that the displayed password entry screen MAY NOT BE AUTHENTIC.

The examiner carefully examined the phrase "reverse password" but did not find the clear indication that the reversed password is indeed simply a reversed user's password.

A user name assigned in Windows NT indeed is not the reverse of the password assigned to the user. As a result, this feature would overcome the art of record. However, if such interpretation were valid the clear indication of this meaning should be present in the claim language or stated by applicant on the record.

Summarizing, no distinction between the claim language and the art of record has been identified and as a result the examiner respectfully declines applicant's request for allowance..